

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 52 of 2005 (S/B)

Girdhar Singh Bhakuni S/o Sri D.S. Bhakuni,
Section Officer,
Industrial Development Department,
Uttaranchal Secretariat, Dehradun.

..... Petitioner

Versus

1. State of Uttarakhand,
through Secretary, Administration,
Civil Secretariat, Uttarakhand,
Dehradun.
2. Secretary, law Department,
Government of Uttarakhand,
Uttaranchal Secretariat, Dehradun.
3. Additional Secretary,
Administrative Department,
Government of Uttarakhand,
Uttarakhand Secretariat,
Dehradun.

..... Respondents

Mr. R.P. Nautiyal, Advocate for the petitioner.

Mr. J.P. Joshi, Chief Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.

Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (ORAL)

Mr. R.P. Nautiyal, Advocate for the petitioner.

Mr. J.P. Joshi, Chief Standing Counsel for the respondents.

They are heard.

2. Mr. R.P. Nautiyal, the learned counsel for the petitioner submits that an amendment is required in the writ petition to mould the petitioner's first relief, whereby a writ of mandamus is sought and, now, the petitioner would be seeking a writ of certiorari for quashing of the seniority list dated 09.12.2004.

3. Mr. J.P. Joshi, the learned Chief Standing Counsel for the respondents submits that if the petitioner is to seek quashing of the seniority list then the petitioner has an alternative efficacious remedy for the said relief of filing a claim petition before the Public Services Tribunal.

4. In this view of the matter and following the Division Bench decisions in the cases of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in 2006(2) U.D. 439 and **Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P.S.B. No. 257 (S/B) 2005)**, the writ petition is dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition for seeking quashing of the seniority list dated 09.12.2004 before the Public Services Tribunal and also to seek condonation of the delay in filing the claim petition on the ground that the petitioner was pursuing this writ petition under bonafide belief.

(J.C.S. Rawat , J.)
21.05.2007

(Rajeev Gupta, C. J.)
21.05.2007